

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 3:07CR158-P-A

RANDY ROY,

DEFENDANT.

ORDER CONTINUING TRIAL

This matter comes before the court upon the Government's Motion for Continuance [26].

After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for June 23, 2008. The Government requests a continuance in order to accommodate a conflicting criminal case set for the same day and to allow for "continuity of counsel" since the Government attorney assigned to this case has another previously scheduled hearing before the Court on June 27, 2008.

The Defendant does not object to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from June 23, 2008 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) and (h)(8)(B)(iv) because, given the circumstances described above, a continuance is necessary to avoid unreasonably denying the Government continuity of counsel and avoid unnecessary expense in securing witnesses from out of State. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial.

IT IS THEREFORE ORDERED AND ADJUDGED that:

(1) The Government's Motion for Continuance [26] is **GRANTED**;

(2) Trial of this matter is continued until Monday, August 25, 2008 at 9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from June 23, 2008 to August 25, 2008 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is August 4, 2008; and

(5) The deadline for submitting a plea agreement is August 11, 2008.

SO ORDERED this the 19th day of June, A.D., 2008.

/s/ W. Allen Pepper, Jr.

W. ALLEN PEPPER, JR.

UNITED STATES DISTRICT JUDGE